

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 1:19-CR-13
)	
MICHAEL MAXEY)	

MOTION TO CONTINUE
FINAL PRETRIAL CONFERENCE AND JURY TRIAL

COMES NOW the Defendant, Michael Maxey, by Counsel, Robert W. Gevers, II, and respectfully requests the Court to reset the jury trial, the final pretrial conference, the pretrial motions deadline, and the deadline for plea agreement in this matter. In support of this request, Counsel states as follows:

1. Trial in this matter is currently set for January 5 – 11, 2021;
2. Final pretrial conference in this matter is scheduled for December 22, 2020, at 3:00 p.m.;
3. The deadline for pretrial motions is set for December 15, 2020, and the deadline for plea agreement is set for December 22, 2020;
4. Counsel for the Defendant requests additional time to review the ongoing discovery materials, and Counsel also requests additional time to attempt to locate an out-of-state witness for the defense;
5. Counsel for the Defendant and the United States Attorney's Office are involved in ongoing negotiations to resolve this matter;
6. Counsel for the Defense is requesting a continuance of at least 120 days in this matter due to the backlog of continued State and Federal trials

resulting from measures to combat the spread of COVID-19, and from Mr. Gevers' recent medical and quarantine-related absences from his office;

7. Counsel for the United States, Assistant United States Attorney Anthony Geller, does not object to this continuance;

8. The Defendant, Michael Maxey, has been in contact with counsel's office but due to counsel's absence from his office, counsel has not had in-person contact with Mr. Maxey due to various Covid restrictions; particularly as Mr. Maxey is currently detained in a facility in Northwest Ohio and due to the surging pandemic, counsel has not traveled across state lines;

9. Mr. Maxey has provided possible witnesses for trial and those witnesses reside outside the state of Indiana and with the issues surrounding travel during the pandemic there is a reluctance to travel across the country at this time;

10. In order to adequately determine the necessity of the witness and the adequacy of effective representation in the context of the prospective witness, counsel needs additional time to meet with the client within the constraints of the pandemic;

11. The ends of justice served by granting such a continuance outweigh the public and the Defendant's interest in a speedy trial, particularly where the failure to grant such a continuance would unreasonably deny the Defendant and counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The period of delay resulting from this continuance

is to be excluded under the terms of the Speedy Trial Act and under 18 U.S.C. § 316, (h) (7) (A) and (h) (7) (B) (iv).

For all of the foregoing reasons, Mr. Maxey respectfully requests that the jury trial, the final pretrial conference, the pretrial motions deadline, and the deadline for plea agreement in this matter be reset for a period of at least one hundred twenty (120) days.

Respectfully Submitted

/S/ Robert W. Gevers, II
Robert W. Gevers, II, No. 8613-02
116 E. Berry Street, Suite 1000
The Lincoln Tower
Fort Wayne, Indiana 46802
Telephone: (260) 407-7071
ATTORNEY FOR DEFENDANT
EMAIL: la@geverslaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Motion to Continue Final Pretrial Conference and Jury Trial was served by electronic mail on this 14th day of December, 2020, to:

Anthony Geller
Asst. United States Attorney
United States District Court
anthony.geller@usdoj.gov

/s/ Robert W. Gevers, II
Robert W. Gevers, II